

**ORDINANCE NO. 09-04**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 86 ENTITLED "TAXATION", ARTICLE II. OCCUPATIONAL LICENSE TAX, CHANGING THE TERM "OCCUPATIONAL LICENSE" TO "BUSINESS TAX RECEIPT", DEFINING THE TERM "BUSINESS TAX RECEIPT", AND AMENDING PROVISIONS TO CONFORM TO THE REVISED TERMINOLOGY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the purpose and intent of this ordinance is to change the terminology to conform with the changes to Chapter 205, Florida Statutes; all substantive provisions remaining the same; and

**WHEREAS**, the change in terminology from "occupational license" to "business tax receipt" is intended to prevent fraud by unscrupulous persons who utilize occupational licenses as proof of competency of the skills required to perform certain services.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** Chapter 86 entitled "Taxation", Article II. Occupational License Tax, of the Code of Ordinances of the City of Hialeah, Florida, is hereby amended to read as follows:

Chapter 86

TAXATION AND FEES

\* \* \*

Article II. ~~Occupational License Tax~~ Local Business Tax

- Sec. 86-26. Definitions.
- Sec. 86-27. Effect of other regulatory provisions.
- Sec. 86-28. Zoning.
- Sec. 86-29. Consumer protection.
- Sec. 86-30. Unlawful acts and practices.
- Sec. 86-31. Investigations and referrals.
- Sec. 86-32. Remedies of consumers and city attorney.

- Sec. 86-33. Effect on other remedies.  
Sec. 86-34. ~~Occupational license~~ Business tax receipt required.  
Sec. 86-35. Doing business without ~~license~~ a local business tax receipt.  
Sec. 86-36. Application for ~~occupational licenses~~ a local business tax receipt and information required.  
Sec. 86-37. False statements.  
Sec. 86-38. ~~License~~ Business tax receipt applicable to one place of business.  
Sec. 86-39. Multiple ~~licenses~~ business tax receipts on one location.  
Sec. 86-40. Exemptions.  
Sec. 86-41. ~~License~~ Business tax receipt and penalties declared debt.  
Sec. 86-42. Determination of classification of ~~license~~ a business.  
Sec. 86-43. Schedule of ~~fees~~ tax by business classification.  
Sec. 86-44. Expiration date of ~~licenses~~ business tax receipt; delinquency.  
Sec. 86-45. ~~License~~ Business tax receipt for fractional part of year.  
Sec. 86-46. Transfer of location, ownership or change of name, except when prohibited.  
Sec. 86-47. Bills or notices declared unnecessary.  
Sec. 86-48. ~~License~~ Business tax receipt posting; exhibition.  
Sec. 86-49. Replacing lost or destroyed ~~licenses~~ business tax receipt.  
Sec. 86-50. Reciprocity.  
Sec. 86-51. Termination of ~~license~~ business tax receipt on notice of bankruptcy.  
Sec. 86-52. ~~License~~ Business tax receipt renewal.  
Sec. 86-53. Denial of ~~license~~ business tax receipt.  
Sec. 86-54. Suspension and revocation of ~~occupational licenses~~ business tax receipt.  
Sec. 86-55. Notice of violation; informal hearing.  
Sec. 86-56. Emergency action.  
Sec. 86-57. Hearing procedures; decisions; orders.

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## ARTICLE II. OCCUPATIONAL LICENSE TAX

### Sec. 86-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

\* \* \*

~~License or valid license~~ Local business tax receipt means a ~~license~~ tax receipt that was properly issued for a period of time that has not yet expired, that has not been revoked, that was not obtained by providing wrong/false information in the application and that is being used exclusively for the classification for which it was issued.

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*New business* means a business for which a ~~license~~ business tax receipt is issued for the first time, whose owner did not operate a business of the same classification in the city prior to the issuing of such ~~license~~ business tax receipt. Change of ownership of a place of business, even if the new owner did not have a previous ~~license~~ business tax receipt in city, shall not be considered "new business" for the purpose of exemption of part or total of the ~~license fee~~ business tax.

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#### **Sec. 86-28. Zoning.**

The ~~licensing~~ business tax administrator or his duly authorized representative shall not issue any ~~occupational license~~ business tax receipt for the operation of any commercial, industrial or professional establishment unless it shall appear to the person issuing the ~~license~~ business tax receipt that the zoning at the place for which the ~~license~~ business tax receipt is sought will permit the operation of the commercial or industrial business.

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#### **Sec. 86-31. Investigations and referrals.**

The ~~licensing~~ business tax administrator or designee shall be empowered to investigate alleged violations of this article. If the city finds that probable cause exists to believe that a violation has occurred, the ~~licensing~~ business tax administrator may refer the case to the city council. The city attorney, in addition to those other civil and criminal penalties authorized by this article, shall have the discretion to initiate a civil action to enforce this article, as provided in section 86-34. Any person who engages in a course of business activity consisting of repeated or egregious, unfair or deceptive trade practices shall have such person's ~~occupational license~~ business tax receipt revoked by the city council, in addition to any other criminal or civil penalties authorized by this article.

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#### **Sec. 86-33. Effect on other remedies.**

The ~~licensing~~ business tax administrator or designee shall be empowered to investigate alleged violations of this article. If the city finds that probable cause exists to believe that a violation has occurred, the ~~license~~ business tax administrator may refer the case to the city council. The city attorney, in addition to those other civil and criminal penalties authorized by this article, shall have the discretion to initiate a civil action to enforce this article, as provided in section 86-32.

**Sec. 86-34. ~~Occupational license/~~Business tax receipt required.**

(a) No person shall engage in or manage any business, profession, service or occupation in the city, for which an ~~occupational license/~~business tax receipt and fee are required in this Code, without first obtaining such ~~license~~ business tax receipt and paying the required fee.

(b) Separate ~~licenses/~~business tax receipts will be required for each place of business or by each separate classification of business at the same location.

(c) Temporary ~~license/~~business tax receipt. The city may issue a temporary ~~license/~~business tax receipt for 45 days upon payment of double the amount of the ~~license/~~business tax receipt fee to engage in or manage any business, profession, service or occupation in the city for which an ~~occupational license/~~ business tax receipt and fee are required in this Code prior to final approval of the fire department if the ~~licensee~~ applicant for the business tax receipt actively takes corrective action to complete a cure plan approved by the fire department to eliminate any fire code violations or deficiencies. The ~~license~~ business tax administrator shall certify that all other requirements and approvals have been provided prior to providing the ~~temporary license/~~business tax receipt.

Upon payment of three times the amount of the ~~license/~~business tax receipt fee, the city may issue a temporary ~~license/~~business tax receipt for 90 days prior to final approval of the fire department if the ~~licensee~~ applicant for the business tax receipt actively takes corrective action to complete a cure plan approved by the fire department. The fire department reserves the right to modify the cure plan if additional violations are discovered or revealed while corrective action is being taken. If the cure plan requires additional time beyond 90 days and only upon approval of the fire chief or fire marshal based on good cause, the expiration of a temporary ~~license~~ business tax receipt may be extended upon payment of an additional amount equal to the ~~license/~~business tax receipt fee. The ~~license~~ local business tax section will provide an annual ~~license/~~business tax receipt only after the fire department has given its final approval based on the completion of a cure plan that has eliminated all fire code violations or deficiencies covered in the cure plan. If the temporary ~~license/~~business tax receipt expires prior to final fire department approval, the applicant shall cease operating the business immediately. The police department shall have authority to prevent access to the premises, including locking outside doors facing the street or public areas until such time that an annual ~~license/~~business tax receipt has been issued or provided.

**Sec. 86-35. Doing business without ~~license~~ a local business tax receipt.**

(a) The ~~licensing~~ business tax administrator will issue to any person doing business without a valid ~~license~~ business tax receipt, a cease and desist order allowing reasonable time, but not less than five working days, for compliance, after which the city will initiate legal proceedings to ensure the closing of the place of business and/or arrest of violators if continuing to operate without a valid ~~license~~ business tax receipt. These

actions may include impounding of vehicles, equipment, and other property as well as placing liens to ensure the recovery of fees, penalties, fines and legal costs.

(b) Any person engaging in or managing any business or profession or occupation without first obtaining a ~~city occupational license~~ business tax receipt shall be subject to a penalty of 25 percent of the ~~license fee~~ business tax determined to be due, in addition to regular fees and any other penalty provided by law or ordinance.

(c) No person who shall have operated a business in the city without an ~~occupational license~~ business tax receipt in prior years shall be granted a current ~~occupational license~~ business tax receipt without first having paid to the city all amounts owed as ~~license fees~~ business taxes and penalties for previous years during which the operation was carried on under such person or ownership, including late fees which shall be 25 percent of the ~~license fee~~ business tax per year.

**Sec. 86-36. Application for ~~occupational licenses~~ a local business tax receipt and information required.**

(a) The applicant for an ~~occupational license~~ business tax receipt will file an application using the form prescribed by the ~~licensing~~ business tax administrator, and a ~~license~~ business tax receipt will not be issued unless all applicable required information is provided with the application.

(b) All ~~licenses~~ business tax receipts shall be applied for and issued in the real name of the applicant. When the applicant has qualified under state laws for the use of a fictitious name, the ~~license~~ business tax receipt, if issued, shall show the real name as well as the fictitious name of the applicant.

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(d) When the ~~fee~~ business tax is based on inventory; number of vehicles; number of seats; number of employees; number of machines, pumps, work stations, square footage, apartments, rooms; or any other unit used as base for the calculation of the ~~license~~ business tax or regulation established by the ~~licensing~~ local business tax section, the ~~licensing~~ local business tax section shall require proof in the form of certified or sworn statements or copies of certifications accepted by the county, state or federal governments to confirm the amount of inventory or other units declared by the applicant and will inspect the business premises to verify other information in the application such as numbers of employees, vehicles, apartments, rooms, seats, machines, pumps or any other unit used in the calculation of the ~~license fee~~ business tax.

**Sec. 86-37. False statements.**

Any ~~license~~ business tax receipt obtained under this article, upon a misrepresentation of a material fact, shall be deemed null and void, and the ~~licensee~~ holder of the business tax receipt, who has thereafter engaged in any business under such

license business tax receipt, shall be subject to prosecution for conducting business without a valid ~~occupational license business tax receipt~~ to the same effect and degree as though such license business tax receipt had never been issued.

**Sec. 86-38. License Business tax receipt applicable to one place of business.**

All ~~licenses~~ business tax receipts provided for in this article shall be issued and shall apply only to one place of business within the city. Every separate location, branch, or outlet of the business will require an ~~occupational license business tax receipt~~.

**Sec. 86-39. Multiple ~~licenses~~business tax receipts on one location.**

(a) When activities are carried on at the same location that are of a different classification, not necessary to the operation of the business for which a license business tax receipt was issued, a license business tax receipt is required for each businesses even if conducted under a single ownership.

(b) When several ownerships conduct business at the same location or operate what is commonly known as a lease department in a store, each department so leased must have an ~~occupational license business tax receipt~~.

**Sec. 86-40. Exemptions.**

(a) *Exemption I.* An ~~occupational license tax business tax~~ exemption of up to \$50.00 annually, except for alcoholic beverage or ~~coin-operated~~ amusement machine ~~licenses business tax receipts~~, may be allowed to the following in accordance with state law:

(1) U.S. armed forces veterans who are entitled to receive compensation for a service-connected disability and unremarried widows of such veterans for licenses of solely owned businesses.

(2) Persons with a confirmed disability or physical impairment not capable of manual labor, widows with minor dependents, and persons 65 years of age or older for licenses of solely owned businesses.

(3) Growers of farm and grove products.

(b) *Exemption II.* Charitable, religious, fraternal, civil, and service organizations that are chartered as nonprofit organizations by the state and that have a valid federal tax exemption number may, upon approval of the request on the application, be exempt from a fee for the ~~city occupational licenses business tax receipt~~. This subsection shall not apply to the licensing and sale of alcoholic beverages, where applicable.

(c) *Exemption IV.* A longevity exemption may be granted to an applicant who requests it at renewal time, before October 1, provided the applicant has no pending license business tax receipt violation, in the following manner:

(1) A business that has been ~~licensed~~issued a business tax receipt in ~~the~~ city under the same ownership for more than ten consecutive ~~license business tax~~ years will pay 90 percent of the corresponding fee from the 11th to the 15th year.

(2) A business that has been ~~licensed~~issued a business tax receipt in ~~the~~ city under the same ownership for more than 15 consecutive ~~license business tax~~ years will pay 85 percent of the corresponding ~~license fee~~ business tax from the 16th to the 24th year.

(3) A business that has been ~~licensed~~issued a business tax receipt in ~~the~~ city for more than 25 consecutive ~~license business tax~~ years will pay 75 percent of the ~~license fee~~ business tax for as long as the business remains ~~licensed~~ under the same ownership as documented in its business tax receipts.

**Sec. 86-41. ~~License taxes~~Business tax receipt and penalties declared debt.**

The amount of any ~~occupational license tax~~ business tax and/or penalty imposed by this article is declared to be a debt due to the city, and any person carrying on any business without first having procured a license business tax from the city to do so shall be liable to the city for the amount of such license business tax recoverable in any court of competent jurisdiction.

**Sec. 86-42. Determination of classification of license a business.**

(a) If a disagreement occurs between the applicant and the city on the question of proper classification of any business, occupation or profession for license business tax purposes, the ~~licensing~~ business tax administrator shall decide the proper classification.

(b) Any person who wishes to appeal any decision of the ~~licensing~~ local business tax section will have the right to appear before the city council, provided a petition is made, in writing, to the city clerk within ten working days of the notification of the determination of the ~~licensing~~ local business tax section; by following the same procedures provided in section 86-57.

**Sec. 86-43. Schedule of ~~fees~~tax by business classification.**

The amount of ~~license fees~~ business tax that shall be paid by the different classifications of ~~licenses~~ businesses shall be as set forth in the following schedule opposite each classification; such ~~fees~~ tax shall be computed annually unless otherwise specified. The schedule generally follows the order and numerical sequences of the Standard Industrial Code (SIC). Regulatory requirements for specific business activities are listed in the schedule as well as the fees tax.

Industry	Description and Regulation	<u>Fee Tax</u>
DIVISION A.	AGRICULTURE, FORESTRY AND FISHING	
	Major Groups 01, 02, 07, 08, 09	
	All <del>licenses</del> <u>businesses</u> in this group	\$ 100.00
	Exceptions in group 07:	
	0741, 0742: Veterinarian services. State license required. <del>License fee tax</del> per each veterinarian	100.00
	0782: Lawn care	100.00
	0782A: Lawn care (by individual)	30.00
DIVISION B.	MINING	
	Major Groups 10, 12, 13, 14	
	All <del>licenses</del> <u>businesses</u>	100.00
DIVISION C.	CONSTRUCTION	
	Major Groups 15, 16, 17. State license required. Some require certificate of capability from Miami-Dade County	
	Industry Groups 152, 153, 154	
	General contractors	200.00
	Industry Groups 161, 162, 171, 172, 173, 174, 175, 176, 177, 178, 179	
	All other contractors	150.00
DIVISION D.	MANUFACTURING	
	Major Groups 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39	
	<del>Occupational license fees</del> <u>Business tax</u> for all manufacturers will be determined using the following scale:	
	Less than 10 employees	65.00
	11 to 15 employees	95.00
	16 to 24 employees	160.00
	25 or more employees	190.00
Industry	Description and Regulation	<u>Fee Tax</u>



\*Certain types of manufacturing are regulated or require permits by the state or county and all must comply with zoning, building and fire codes and any city ordinance regarding their activities. A separate retail ~~license~~business tax receipt will be required if the manufacturer sells directly to the consumer (i.e., outlet store).

Exception to group 39

3999A: Arts and crafts by individuals. Arts and crafts practiced at a residential location by one individual. No signs, industrial equipment, noise, dangerous chemicals or waste. Including but not limited to paintings, dolls, certain glass art, sculptures, and other products of artistic nature 30.00

DIVISION E. TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS AND SANITARY SERVICES

Major Group 40. Railroad Transportation

All ~~licenses~~ business tax receipts, if required, will be set by the city council on a need basis

Major Group 41. Local and Suburban Transit and Interurban

Highway transportation of passengers. All vehicles must comply with state, county, and local requirements. ~~All licenses, w~~When required, business tax per vehicle 50.00

Exceptions in group 41

4115: Taxicabs, per vehicle 10.00

Plus dispatcher or office 100.00

4119: Local passenger transportation, not elsewhere classified. Passenger service by private company, ambulance, armored cars, automobile jitneys, limousines, per vehicle\* 45.00

4141, 4142: Chartered bus terminals 100.00

Additional per vehicle 50.00

4151A: Privately owned school buses\* not to exceed 24 passengers per vehicle. Require state, county and city regulations compliance inclusive of inspections. (Reference chapter 90.) Issued when the city council has determined need and necessity of the service for the ~~license~~business tax year, each vehicle 50.00

4151B: Privately owned buses or vans transporting more than 24 passengers, each 100.00

Industry	Description and Regulation	Fee Tax
Major Group 42.	Motor Freight Transportation and Warehousing	
	<del>All licenses</del> Any business in this group, unless otherwise specified, <u>tax</u> per vehicle	70.00
	Exceptions:	
	4215: Courier services, express delivery, etc. <del>License fee</del> <u>business tax</u> will be based on number of employees according to the following schedule; warehouses or processing centers will pay an additional warehousing <del>license fee</del> <u>tax</u> :	
	Less than 10 employees	65.00
	11 to 25 employees	160.00
	More than 25 employees	190.00
	4222, 4225, 4226, 4231: Warehousing. Warehouse <del>fee</del> <u>tax</u> is based on size, as per the following schedule:	
	Less than 5,000 sq. ft.	65.00
	5,001 to 10,000 sq. ft.	95.00
	10,001 to 15,000 sq. ft.	125.00
	15,001 to 25,000 sq. ft.	190.00
	25,001 to 99,999 sq. ft.	250.00
	100,000 or more sq. ft.	500.00
Major Group 44.	Water Transportation	
	<del>All licenses</del> <u>businesses</u> in this group	150.00
Major Group 45.	Transportation by Air	
	<del>All licenses</del> <u>businesses</u> in this group	150.00
Major Group 46.	Pipelines	
	<del>All licenses</del> <u>Business taxes</u> in this group, will be set by the city council as with fees, permits and regulations.	
Major Group 47.	Transportation Services	
	<del>All licenses</del> <u>businesses</u> in this group	100.00

Industry	Description and Regulation	Fee Tax
	Exceptions:	
	4832. Radio broadcasting station	200.00
	4833. Television broadcasting station	375.00
	4841. Cable and other pay television services. <u>Fees</u> <u>businesses</u> <u>taxes</u> set by the city council, according to municipal, county, state and federal laws and regulations of this industry	
Major Group 49.	Electric, Gas and Sanitary Services	
	4911. Electric services	200.00
	4953. Garbage collection	
	4953A Solid waste collection/disposal*	500.00
	Collection, transport and disposal of solid waste, including use and storage of waste collection vehicles and waste containers. Containers to be serviced a minimum of twice weekly. No waste to accumulate at storage location for more than 24 hours; such waste to be transported for proper disposal within 24 hours.	
	4953B Solid waste recycling systems*	1,000.00
	Collection/processing recyclable solid waste--glass/plastic containers, newsprint, office and computer paper, aluminum/ferrous cans, cardboard	
	Processing putrescible solid waste defined by Rule 62- 701.200(99), F.A.C. prohibited except that daily volume may contain one percent or less putrescible solid waste as byproduct of recycling process.	
	Processing construction and demolition debris prohibited.	
	No waste to accumulate at storage location for more than 24 hours; such waste to be transported for proper disposal within 24 hours.	
	4953C Construction/demolition debris* processing systems	1,000.00
	Collection/processing of construction and demolition debris- building materials, dirt, soil, rock, concrete, trees, brush and other flora.	
	Storage/processing putrescible solid waste or solid waste prohibited.	
	Plus per truck	43.75

Industry	Description and Regulation	Fee Tax
	*Application form must be completed and approval by director of solid waste department before <del>license</del> <u>business tax receipt</u> issued.	
	Plus per truck	43.75
	Other permits may be required by the solid waste department	
DIVISION F.	WHOLESALE TRADE	
	Major Groups 50, 51.	
	Exceptions:	
	5015. Junkyards, council approval required	225.00
	5015A. Used automobile parts	150.00
	5093. Scrap and waste materials, scavenging, salvage	150.00
	5099. Import/export durable goods. When engaging in international trade (import/export) other than trade regulated by this Code; in addition to the regular wholesale fee	100.00
	5199. Import/export nondurable goods. When engaging in international trade (export/import) other than a trade regulated by this Code; in addition to the regular wholesale fee	100.00
	All other <del>licenses</del> <u>business classifications</u> in division F, including major industry groups 50 and 51, will pay <del>an occupational license fee</del> <u>business tax</u> as per the following inventory* of goods scale:	
	Inventory under \$10,000.00	95.00
	Over \$10,000.00 but less than \$25,000.00	125.00
	Over \$25,000.00 but less than \$50,000.00	160.00
	Over \$50,000.00 but less than \$100,000.00	220.00
	Over \$100,000.00 but less than \$250,000.00	250.00
DIVISION G.	RETAIL TRADE	
	All <del>licenses</del> <u>businesses</u> in division G will pay a <del>fee</del> <u>tax</u> based on inventory, as per the following scale:	
	Up to \$1,000.00 inventory	65.00

Industry	Description and Regulation	Fee Tax
	Deliveries to establishments shall be permitted from 6:00 a.m. to 11:00 p.m. where the establishment or outlet is located within a radius of 300 feet from areas or districts zoned residential, as measured from the physical boundaries of the establishment or outlet. No limitation on the hours of deliveries to retail establishments that are not located within the above-described radius.	
	Exceptions:	
Major Group 55.	Motor Vehicle Dealers	
	5511. New and used	300.00
	Plus per unit	1.00
	5521. Used only	200.00
	Plus per unit	1.00
	5531. Auto parts	150.00
	Per each \$1,000.00 of inventory after the initial \$1,000.00	6.50
	5541. Gas station:	
	Up to 6 dispensing units	65.00
	Per unit* over six, each	13.00
	*A dispensing unit is a single outlet, nozzle or hose. Multiple pumps will not be considered as one dispensing unit.	
	5541B. Gas station: vacuum cleaners, per each unit	3.00
Major Group 58.	Eating and Drinking Places*	
	5806. Food delivery (restaurants offering home delivery service)	100.00
	5807. Catering services (commissary)	100.00
	5808. Industrial catering (lunchwagons), each vehicle**	50.00
	5809. Establishments selling food by the pound, without seating	70.00
	Plus <del>fees</del> tax for seating as provided below.	

Industry	Description and Regulation	Fee Tax
	5811. Single unit restaurants* (with seating) having less than or equal to 850 square feet of service area. No beer, wine or alcoholic beverages sold, offered for sale, delivered or served	50.00
	5812. Single unit restaurants*** (with seating) having more than 850 square feet of service area	50.00
	Additional fees for seating, excluding counterstools and barstools, in excess of 30 seats	25.00
	Additional fees for seating, excluding counterstools and barstools, in excess of 100 seats	50.00
	*All restaurant <del>licenses</del> <u>business tax receipts</u> require state approval and require county <del>occupational licenses</del> <u>business tax receipts</u> , if applicable.	
	**Lunchwagons will require stickers from the <del>licensing</del> <u>local business tax</u> section.	
	***When serving alcoholic beverages, beer or wine, all eating places will require a state license.	
	5813. Drinking places (entertainment as per article V of chapter 18; no live entertainment or dancing is permitted), without food	100.00
	Plus fee per seating unit	2.00
	5813A. Nightclubs, cabarets, discotheques, etc. (as regulated by article V of chapter 18)	1,250.00
	All drinking establishments are required to have a state license for consumed-on-premises alcoholic beverages.	
Major Group 59.	Miscellaneous Retail	
	5912. Drugstores or pharmacies:	
	For the first \$1,000.00 of inventory	65.00
	Plus, for each \$1,000.00 of inventory in excess of \$1,000.00	6.50
	Plus, when dispensing prescription drugs, licensed pharmacist	150.00
	5921. Liquor store (off-premises consumption)	0.00
	Other retail items, exclusive of tobacco products	65.00
	Plus, per each \$1,000.00 of inventory over \$1,000.00	6.50
	5932. Pawnshops. Police check and reporting requirements plus retail license	225.00
	5961. Catalog and mail order	100.00

Industry	Description and Regulation	Fee Tax
	5963. Direct retail house-to-house or party plan ( <u>licensebusiness tax receipt</u> can be issued for residential address if no warehousing, or office is required (Ordinance No. 89-61). For office and warehousing, a separate <u>licensebusiness tax receipt</u> is required)	100.00
	Plus, per agent, associate, salesperson, canvassers or other denomination used (agents or salespersons require compliance with Ordinance No. 89-61), each	10.00
	5963A. Traveling store (not food, vegetables or ice cream) each vehicle (requires sticker)	190.00
	5963B. Traveling store, food, agriculture products, fish or ice cream per vehicle (requires sticker)	45.00
	5963C. Peddler or itinerant salesperson (requires ID, driver's license or photo ID; no agents or employees; <u>licensebusiness tax receipt</u> to cover one individual only), no sales from a vehicle	45.00
DIVISION H.	FINANCE, INSURANCE, AND REAL ESTATE	
Major Group 60.	Depository Institutions	
	Exceptions	
	6021, 6022, 6029, 6035, 6036 (each location or branch)	450.00
	6061, 6062 (credit unions)	100.00
	Industry Group 601	1,000.00
	Industry Group 608: Foreign banking and agencies of foreign banks	1,000.00
	Industry Group 609 (all)	500.00
	Exceptions.	
	6099A. Check cashing services, money order issuance, travel cheques	100.00
	6099B. Automatic teller machines (ATM)	100.00
	6099C. Check cashing agencies	500.00
Major Group 61.	Nondepository Credit Institutions	
	6141. Personal credit institution (per location)	500.00

Industry	Description and Regulation	Fee Tax
	6159. Miscellaneous business credit institutions	500.00
	6162. Mortgage bankers and brokers	500.00
	6163. Loan brokers	225.00
Major Group 62.	Brokers (all)	225.00
Major Group 63.	Insurance Carriers (out of town licenses collected through the League of Cities)	150.00
	Exception.	
	6324. When employing physicians, an additional fee for each doctor	100.00
Major Group 64.	Insurance Agents, Brokers and Service	
	All	100.00
	Plus additional fee for each agent or salesperson over two, each	19.00
Major Group 65.	Real Estate	
	6512. Owners/operators of property containing leased space in nonresidential buildings	
	Owners/operators of property containing leased space in shopping centers:	
	6512A Up to 49,999 square feet	\$500.00
	6512B 50,000-99,999 square feet	\$750.00
	6512C Over 100,000 square feet	\$1,000.00
	Owners/operators of property containing leased space in industrial buildings and warehouses:	
	6512D Up to 49,999 square feet	\$500.00
	6512E 50,000-99,999 square feet	\$750.00
	6512F Over 100,000 square feet	\$1,000.00
	Owners/operators of property containing leased space in office buildings:	
	6512G Up to 49,999 square feet	\$500.00



Industry	Description and Regulation	Fee Tax
		\$1,000.00
	6512I Over 100,000 square feet	
	6513. Operators of apartment buildings, per unit	6.50
	6514. Dwellings other than apartments, per unit	6.50
	6515. Operators of residential mobile home sites:	
	Up to 10 trailers	65.00
	Each additional trailer	6.50
	6515A. Single locations, each	50.00
	6517, 6519. Lessors of railroad property or real property not elsewhere classified	50.00
	6531. Real estate agents and managers (state license required)	100.00
	Plus:	
	Per agent, each	6.50
	Salespersons over 2	25.00
	6541, 6552, 6553	100.00
Major Group 67.	Holding and Other Investment Offices	
	All	100.00
DIVISION I.	SERVICES	
Major Group 70.	Motels	
	7012. Motels	50.00
	Plus:	
	Offering hourly or fractional rental charge, per unit	15.00
	Offering rental by the whole day or week, per unit	5.00
Major Group 72.	Personal Services	
	7211. Power laundries	50.00
	7212. Garment pressing and agents for laundries and dry cleaners	50.00
	If plant is outside city limits, additional	50.00

Industry	Description and Regulation	<u>Fee Tax</u>
	7213. Linen supply	200.00
	7215. Coin-operated laundries and dry cleaners (laundromats):	
	Up to 20 machines	60.00
	7215A. Coin-operated laundry machines in multifamily residential properties:	
	Per machine	3.00
	Each additional machine over 20	3.00
	7216. Dry cleaning plants, except rug cleaning	50.00
	7218. Industrial launderers	200.00
	7219. Laundry and garment services, not elsewhere classified	50.00
	7219A. Alterations, not tailor, individual	30.00
	7221. Photographic studios (portrait)	150.00
	7221A. Photographers (no studio)	50.00
	7231. Beauty shops (state license required)	50.00
	Each additional station over four	5.00
	7241. Barbershops (state license required)	50.00
	Each additional station over four	5.00
	7251. Shoe repair shops and shoeshine parlors	70.00
	7261. Funeral service and crematories. State	250.00
	Licensed embalmers. Requires DERM approval	100.00
	7291. Tax return preparation service (office)	100.00
	7291A. Tax return and accounting services (at residence)	50.00
	7299. Miscellaneous personal services:	
	At office	100.00
	At residence	50.00
	Itinerant	30.00
Major Group 73.	Business Services	
	7311. Advertising agencies	100.00

Industry	Description and Regulation	Fee Tax
	Bus benches (contract with city), basic fee	150.00
	Billboards as per state, county, and city law	
	Advertising on moving vehicles, no sound	100.00
	7319. Advertising not elsewhere classified	100.00
	7319A. Handbill, circular or sample distribution:	
	Office	100.00
	Plus per individual, each	20.00
	7319B. Handbill, circular or sample distribution, individual	20.00
	Industry Group 732.	
	7322. Adjustment and collection services	100.00
	7323. Credit reporting services	100.00
	Industry Group 733.	
	7331. Direct mail advertising services	100.00
	7334. Photocopies and duplicating services	100.00
	7335. Commercial photography	100.00
	Industry Group 734.	
	7342. Disinfecting and pest control. Compliance with other state, county and city laws. Liability insurance	150.00
	Industry Group 735. Miscellaneous Equipment Rental and Leasing	
	7352-7353-7359.	
	On rentals--Inventory:	
	Up to \$10,000.00	90.00
	Up to \$25,000.00	125.00
	Up to \$50,000.00	150.00
	Up to \$100,000.00	225.00
	Up to \$250,000.00	250.00
	More than \$250,000.00	300.00
	When sales are made in addition to rental or leasing, supplementary retail <del>license</del> <u>business tax</u> :	

Industry	Description and Regulation	Fee Tax
	Each additional \$1,000.00 inventory	6.50
	Industry Group 736. Personal Supply Services:	
	7361--7363. Employment agencies, personnel supply agencies	200.00
	Industry Group 737. Computer programming, data processing, and other computer-related services:	
	7371, 7372, 7373, 7374, 7375, 7376, 7377. Computer hardware rent or lease	100.00
	7375. For each site	100.00
	Plus a terminal fee for each computer or internet terminal available to the public for a fee or charge	25.00
	7377A. Inventory up to \$10,000.00	90.00
	7377B. Inventory up to \$25,000.00	125.00
	7377C. Inventory up to \$50,000.00	150.00
	7377D. Inventory up to \$100,000.00	225.00
	7377E. Inventory up to \$250,000.00	250.00
	7377F. Inventory over \$250,000.00	300.00
	7378. Computer maintenance and repair:	
	Up to 10 employees	6.50
	Each additional employee over 10	65.00
	7379. Computer consultants, etc.	150.00
	Industry Group 738. Miscellaneous business services:	
	All	150.00
	Exceptions:	
	7381. Detective, guard, armored car, guard dog rental, polygraph, fingerprint, investigations, etc.	100.00
	Per employee, investigator, detective or guard over two, each additional	10.00
	Per vehicle, armored or patrol car	40.00
	Per animal, if using guard dogs	5.00
	State license. Police approval. Bond. Vehicle sticker.	
	7382. Security system service. Liability insurance. Miami-Dade County certificate of competency	150.00

Industry	Description and Regulation	Fee Tax
	7384A. In a business that has retail <del>license</del> business tax. Additional over retail <del>license</del> business tax. DERM approval required	50.00
	7389A. Auctioneers (jewelry, antiques and rugs):	
	First day	1,250.00
	Each additional day	35.00
	7389B. Goods, wares, merchandise:	
	First day	300.00
	Each additional day	35.00
	7389C. Unclaimed or damaged freight:	
	First day	150.00
	Each additional day	12.50
	7389D. Bondsmen	225.00
	Additional employees over two, each	20.00
	7389E. Music by contract or through telephone wires	300.00
Major Group 75.	Automotive Repair, Services and Parking	
	Industry Group 751. Car leases (without drivers):	
	All	150.00
	752--7521.	70.00
	Industry Group 753.	
	7532. West of East Eighth Ave. and South of W. 33rd Street. DERM	100.00
	7532A. Automotive paint. All. DERM	100.00
	7534. Tire retreading and repair shops/tire ordinance. DERM	150.00
	Industry Group 754. Automotive services, except repairs Exceptions.	100.00
	7542. Carwash	70.00
	7542A. Carwash, by hand as concession at gas station	30.00
	7542B. Carwash and polish by hand, itinerant, or at commercial location such as shopping centers. ID required	30.00

Industry	Description and Regulation	Fee Tax
	7549A. Towing services. Tow trucks operated and owned by a <del>licensed</del> service station, body or repair shop, service station or garage <u>with a city business tax receipt</u> . Registration or lease document in the name of <del>licensee</del> <u>the business tax receipt holder</u> . Vehicle sticker. No <del>feetax</del> other than the <u>tax under the principle business category</u> <del>main license of the business</del> :	
	One vehicle	0.00
	More than one vehicle, each	45.00
	7549B. Tow trucks operated independently of stations or repair shops by individuals, only to transport disabled or junk vehicles to an authorized location for a fee, authorized by car owner or shop and not to pick up illegally parked abandoned or repossess vehicles. Sticker. Police background. No parking on residential area. Registration or lease documents in the name of <del>licensee</del> <u>the holder of the business tax receipt</u> . Address of the commercial location where vehicle will be parked and liability insurance. Affidavit required as to above requirements. Only one tow truck per <del>license</del> <u>business tax receipt</u> , each	75.00
	7549C. Tow trucks used to remove vehicles parking areas, abandoned vehicles or for repossession (for wrecker companies that have a place of business located in the city). Must comply with state law. Basic <del>licensing feetax</del>	800.00
	Plus for each vehicle	100.00
	City-initiated towing services (requires council approval, nonrefundable application fee, police background check). Basic <del>licensing feetax</del>	800.00
	Plus for each vehicle, sticker required	100.00
Major Group 76.	Miscellaneous repair services.	
	All <del>licenses</del> <u>businesses</u> in this major group:	
	Under 10 employees	65.00
	Each employee over 10	6.50
	Requires ID, vehicle sticker. Only one person or vehicle	30.00
Major Group 78.	Motion Pictures and Video	

Industry	Description and Regulation	<del>Fee</del> <u>Tax</u>
	Exceptions:	
	7841. Videotape rental:	
	7841A. Inventory up to \$10,000.00	90.00
	7841B. Inventory up to \$25,000.00	125.00
	7841C. Inventory up to \$50,000.00	150.00
	7841D. Inventory over \$50,000.00	200.00
Major Group 79.	Amusement and Recreation Services	
	All <del>licenses</del> <u>businesses</u> in this group	100.00
	Exceptions:	
	7911. Operators of banquet halls, dancehalls and discotheques without alcoholic beverages, dance schools, etc.	225.00
	7911A. Dance studios or schools not included as educational institutions, per year	225.00
	7911B. Banquet halls for hire. Will have identical requirements as to zoning of that of a nightclub <del>licensee</del> . Per year	225.00
	7912D. Nonalcoholic beverages discotheques, per year	1,500.00
	7933. Bowling centers, do not include other retail activities, per lane	35.00
	7941. Commercial sports. <del>Fees</del> <u>Tax</u> to be set by city council for any professional sport.	
	7941A. Boxing. Licenses and requirements as per city ordinance and boxing commission:	
	Promoter, per function	100.00
	Boxers, each	6.50
	Announcers, each	6.50
	Managers, each	6.50
	Referees, each	13.00
	Special referees, each	35.00
	Seconds, each	4.00

Industry	Description and Regulation	Fee Tax
	7948B. Car racing. Automobile racing, motorcycles, etc., per racing day, paid yearly in advance	70.00
	7948C. Dog racing, per racing day	100.00
	7991. Physical fitness (state may require bond)	100.00
	7993. Type I and type II amusement machines (as per article III of chapter 18):	
	7993A. Business owner operating amusement type I (arcade) machine, for each machine at each location, written notification of property owner required if business owner and property owner not the same*	150.00
	7993B. Business owner operating type II amusement machine, for each machine at each location, written notification of property owner required if business owner and property owner not the same*	600.00**
	*No transfer of <u>licensebusiness tax receipt</u> allowed. New <u>licensebusiness tax receipt</u> must be issued if machine is to be placed or transferred to a new location. County and state licenses required.	25.00***
	**This fee will be effective on October 1, 2009. A fee of \$500.00 will be effective immediately. For the <u>licensebusiness tax</u> year ending September 30, 2008, a fee of \$250.00 will be paid for the annual <u>licensebusiness tax receipt</u> .	
	***If <u>licensebusiness tax receipt</u> is current and paid for the fiscal year.	
	7993C. Music machines, jukeboxes and video jukeboxes. Only one permitted. Requires sticker:	
	Each individual machine	150.00*
	7993E. Amusement center machines--other than bingo halls. Tax on each individual machine is based on whether the machine is a type I or type II amusement machine	150.00*
	7993F. Amusement center machines--bingo halls for adults only.	
	Each individual machine	150.00*
	7993G. Kiddie rides (sticker), each	150.00*



Industry	Description and Regulation	Fee Tax
	7997. Sporting clubs, including gun ranges. Must meet all other requirements of this Code	150.00
	7999. Amusement and recreation services not elsewhere classified:	
	All	100.00
	Exceptions:	
	7999A. Betting information services	225.00
	7999B. Billiard parlors. <del>License</del> <u>Business tax receipt</u> does not include retail, vending or any other games or coin-operated machines. Per table	30.00
	7999C. Bingo parlors (for-profit organization), per location	1,000.00
	7999D. Concession operation of amusement devices and rides. Requirements, bond, inspection, etc., in article II of chapter 18	1,000.00
	7999E. Circus. Compliance with article II of chapter 18. Per day	625.00
	7999F. Fortunetellers, spiritual consultation, astrologers, horoscopists, mediums, healers, etc., as per Ordinances 89-17 and 89-18. Distance requirements	1,000.00
Major Group 80.	Health Services. State, county, city, DERM	
	Industry Group 801. State license. DERM requirements. All, per each professional at each location	100.00
	8011A. Medical doctor	100.00
	8011B. Offices and clinics of doctors of medicine	100.00
	8011C. Diagnostic center	100.00
	8011D. Physician assistants	100.00
	8021. Offices and clinics of dentists	100.00
	8031. Offices and clinics of doctors of osteopathy	100.00
	8041. Offices and clinics of chiropractors	100.00
	8042. Office and clinics of optometrists	100.00
	8042D. Opticians	100.00
	8043. Offices and clinics of podiatrists	100.00

Industry	Description and Regulation	Fee Tax
	8049A. Nurse practitioner	100.00
	All 8011 <del>licenses</del> <u>business tax receipts</u> , for each additional location for the same practitioner	100.00
	Industry Group 805.	
	8051-8052. All, per each location not contiguous to main address	225.00
	8059. Community Residential Homes (7 to 14 beds)	375.00
	Plus for each bed	50.00
	8059A. Assisted Living Facilities (15 beds or more)	750.00
	Plus for each bed	50.00
	8059B. Residential Care and Treatment Facilities	750.00
	Plus for each bed	50.00
	Industry Group 806. Hospitals. All retail and other non-hospital-required businesses must obtain separate <del>license</del> <u>business tax receipt</u> by hospital or operator of concession. State law requirements	225.00
	Per doctor, each	100.00
	Per nurse, therapist or technician, each	25.00
	Industry Group 807. Medical and dental laboratories, all	100.00
	Industry Group 808. Home care:	
	Per doctor, each	100.00
	Per nurse, therapist or technician, each	25.00
	Industry Group 809. Miscellaneous, all	100.00
Major Group 81.	Legal Services	
	8111. All (state license), per attorney	100.00
Major Group 82.	Educational Services	
	Federal, state, county, city laws. All	100.00
Major Group 83.	Social Services	
	All laws. State approval, each location	100.00
Major Group 84.	Museums, Art Galleries, Botanical and Zoological Gardens	

Industry	Description and Regulation	<u>Fee Tax</u>
	Except:	
	8442A. Animal, small animal, bird or reptile exhibits, championships or competition other than races, per exhibit day, no betting	70.00
Major Group 86.	Membership Organizations	
	All	100.00
Major Group 87.	Engineering, Accounting, Research, Management and Related Services	
	All. State license requirements apply. Per engineer, architect, consultant, accountant or other accredited professional	100.00
Major Group 88.	Private Households	
	Domestic service, all	20.00
Major Group 89.	Services not Elsewhere Classified	
	All	100.00
DIVISION J.	PUBLIC ADMINISTRATION	
	No <del>occupational license</del> <u>business tax receipt</u> required	

**Sec. 86-44. Expiration date of ~~licenses~~ business tax receipt; delinquency.**

Except as otherwise provided, ~~licenses~~ business tax receipts shall expire on September 30. Those ~~licenses~~ business tax receipts not renewed by October 1 shall be considered delinquent and subject to a delinquency penalty of ten percent for the month of October plus an additional five percent for each month of delinquency thereafter until paid, provided that the total delinquency fee shall not exceed 25 percent of the yearly ~~occupational license fee~~ business tax for the delinquent establishment.

**Sec. 86-45. ~~License~~ Business tax receipt for fractional part of year.**

Unless otherwise provided, new ~~licenses~~ business tax receipts obtained between November 1 and September 30 will have a fee of 1/12 of the yearly ~~fee~~ tax for every month between the month of issue and September, inclusive of both the month in which the ~~license~~ business tax receipt is issued and the month of September. However, when a

new license business tax receipt is issued between September 1 and September 30, the applicant is required to pay for the September fraction of that year's license tax and the full fee amount of the license business tax for the license business tax year to begin the following October 1. When a person applies after receiving a notice of violation for opening for business without first obtaining an occupational license business tax receipt, no fractional fee license business tax will be issued, regardless of the opening date. A full year's fee tax plus penalties will be required.

**Sec. 86-46. Transfer of location, ownership or change of name, except when prohibited.**

(a) Every business license tax receipt may be transferred to a new owner when there is a bona fide sale of the business, upon payment of a transfer fee of \$50.00, provided such original license business tax receipt has not been revoked or invalidated by actions of the previous owner or decision of the city council or the county or the state.

(b) Upon written request and presentation of the original license business tax receipt and evidence of sale, including, but not limited to, bill of sale, warranty deed and others, any license business tax receipt may be transferred from one location to another location in the city, by the same licensee business tax receipt holder, upon payment of a transfer fee of \$50.00, provided the location is zoned with a classification that permits such use.

**Sec. 86-47. Bills or notices declared unnecessary.**

All license business tax receipt renewals are due on or before October 1 of each year. Therefore, it is declared to be unnecessary for the city to send out bills or notices to persons engaged in business in the city.

**Sec. 86-48. License Business tax receipt posting; exhibition.**

Every license business tax receipt shall be posted in a conspicuous place in the place of business for which it is issued, and the holder of such license business tax receipt shall exhibit the license business tax receipt to the city license local business tax inspector, his deputy, or any police officer upon request.

**Sec. 86-49. Replacing lost or destroyed licenses business tax receipt.**

For the purpose of replacing any mutilated, destroyed or lost license certificate business tax receipt, decal, or receipt certificate, relating to any occupational license business tax receipt granted by the city, the licensing local business tax section is authorized and empowered to cause to be executed and delivered an appropriate duplicate license certificate or receipt business tax receipt, decal, or certificate, upon the submission of evidence satisfactory to the licensing local business tax section that the original certificate, decal, or receipt was mutilated, destroyed or lost, and upon the holder of such mutilated, destroyed or lost license business tax receipt furnishing the city with

indemnity satisfactory to the ~~licensing~~local business tax section and upon the payment of a fee of \$10.00 for each such duplicate. Such sum is declared to be a reasonable amount to reimburse the city for the expense incidental to executing and delivering each such duplicate ~~license~~business tax certificate, decal or receipt.

#### **Sec. 86-50. Reciprocity.**

Any person who has obtained a professional license or certificate of competency by or through examination in Miami-Dade County, which has requirements similar to those in the various sections of this Code and other city ordinances with respect to the issuance and granting of ~~licenses~~business tax receipts for the several businesses or occupations, may, without the formality of an examination, be granted a certificate or ~~license~~business tax receipt by reciprocity, upon the payment of the ~~occupational license~~fee business tax or charge applicable to such business or occupation.

#### **Sec. 86-51. Termination of ~~license~~business tax receipt on notice of bankruptcy.**

When any person engaged in mercantile or other business in the city shall make an assignment for the benefit of creditors or when any such person shall be adjudicated a voluntary or an involuntary bankruptcy or declared insolvent, any ~~license~~business tax receipt theretofore issued, authorizing such person to do business in the city, shall immediately be terminated and shall, upon such assignment for the benefit of creditors or upon such adjudication in bankruptcy, immediately become null and void.

#### **Sec. 86-52. ~~License~~Business tax receipt renewal.**

(a) Authorized review upon renewal. Upon the annual renewal of all ~~licenses~~business tax receipts, the ~~licensing~~business tax administrator may review and examine any ~~licensee~~business tax receipt holder to determine if the ~~licensee~~business tax receipt holder complies with all applicable federal, state or county law or city ordinances, rules and regulations.

(b) A current ~~occupational license~~business tax receipt may be renewed for each new ~~license~~business tax year by the ~~license~~business tax administrator without prior approval of any other departments, provided the applicant signs the following certification:

"I the undersigned hereby certify that the ~~license~~business tax receipt for which I am now applying is one for a renewal of a current ~~occupational license~~business tax receipt which is now in full force and effect, and that I have not changed the authorized use of the premises and do not plan to make any physical or structural changes to the premises."

(c) Any renewal application in which the applicant changes the authorized use of the premises or makes or proposes any physical or structural changes in the premises,

shall be reviewed in the same manner as if it was an application for a new license business tax receipt.

(d) Procedure upon denial of license business tax receipt renewal. When the licensee holder of a business tax receipt has failed to comply, follow or adhere to any applicable provision of the licensing local business tax code, federal, state or county law or other city ordinance, rule or regulation, the licensing business tax administrator may require such licensee holder of the business tax receipt to apply for a new license business tax receipt hereunder. Nothing in this section shall be construed to mean that the licensee business tax receipt holder shall be issued a new license business tax receipt as a matter of right. Before a new license business tax receipt is issued, the licensee business tax receipt holder may be required to furnish proof of compliance with any applicable provisions of the licensing local business tax code, federal, state or county laws or other city ordinances, rules or regulations. The licensing business tax administrator may require the disclosure of such information concerning the conduct and operation of the applicant's business during the preceding license business tax period to determine eligibility.

**Sec. 86-53. Denial of license business tax receipt.**

(a) An application for an ~~occupational license~~ business tax receipt under this article may be denied on the following grounds:

(1) The applicant misrepresents or fails to disclose material information required in the license business tax application form or requested by the licensing local business tax section.

(2) The applicant currently has had a license business tax receipt revoked within three years. Whenever any business ~~license~~ tax receipt has been suspended or revoked by the city for any cause whatsoever, no subsequent business license tax receipt for a similar business shall be issued by the city to the person whose business license tax receipt has been revoked or suspended.

(3) The applicant is delinquent in the payment of any ~~license fee~~ business tax imposed under this article, code enforcement lien, special assessment lien and/or any other debt or obligation due to the city under state or local law.

(4) The issuance of a license business tax receipt is based on the applicant's compliance with provisions of federal, state, city or county law, and the applicant has violated such provisions.

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(15) A licensee business tax receipt holder permits an ~~unlicensed~~ promoter operating without a valid business tax receipt to hold a dance or entertainment event on the business premises on more than one occasion within a 12-month period.

(b) No ~~occupational license~~ business tax receipt under the same classification will be issued for a period of one year in a location where a business of the same classification was closed by revocation of the license business tax receipt by the state, county or city, unless the new owner is approved by the city council, after a background investigation of the application by the police department. No waiver may be granted by the city council for six months after the date a license business tax receipt is revoked.

(c) Any person whose application for a license business tax receipt has been denied by the licensing local business tax section may by appropriate written petition seek a hearing before the city council pursuant to section 86-57.

**Sec. 86-54. Suspension and revocation of ~~occupational licenses~~ business tax receipt.**

(a) The city council shall either revoke or temporarily suspend the ~~occupational license~~ business tax receipt of any person when it is determined by the city that:

- (1) The licensee holder of the business tax receipt misrepresents or fails to disclose material information required by this article to be included in the license business tax application form or requested by the licensing local business tax section.
- (2) The licensee holder of the business tax receipt obtains a license business tax receipt issued pursuant to this article by misleading and/or deceptive information or making false statements relied upon by the licensing local business tax section in issuing the license business tax receipt.
- (3) The licensee holder of the business tax receipt currently had a license business tax receipt revoked within three years. Whenever any business license tax receipt has been suspended or revoked by the city for any cause whatsoever, no subsequent business ~~license tax receipt~~ for a similar business shall be issued by the city to the person whose business ~~license tax receipt~~ has been revoked or suspended.
- (4) The licensee holder of the business tax receipt is delinquent in the payment of any license fee business tax imposed under this article, code enforcement lien, special assessment lien and/or any other debt or obligation due to the city under state or local law.
- (5) The licensee holder of the business tax receipt is conducting business from the premises and is not in compliance with zoning regulations or other city ordinances.
- (6) The licensee holder of the business tax receipt, as part of the licensee's person's or entity's business activity within the city, engages in conduct that is an actual threat to the public health, safety or welfare.

- (7) The licensee holder of the business tax receipt violates any section of this article and fails or refuses to cease or correct the violation after notification thereof.
- (8) The license business tax receipt issued by the city depended upon the licensee's compliance by the holder of the business tax receipt with specific provisions of federal, state or county law or other city rule, regulation or ordinance, and the licensee holder of the business tax receipt violated such specific provisions of law.
- (9) The licensee holder of the business tax receipt, after being issued a license business tax receipt, has been convicted of or has pled guilty to a violation of federal, state or county law and such violation occurred as a part of the main business activity licensed for which a business tax receipt is issued and not merely incidental thereto.
- (10) The licensee holder of a business tax receipt is conducting business without a valid and current certificate of occupancy.
- (11) The licensee's business tax receipt holder's certificate of occupancy for the business has been denied, suspended or revoked for any reason.
- (12) The licensee's business tax receipt holder's premises constitute a public nuisance.
- (13) The licensee's business tax receipt holder's premises have been condemned by the local health authority for failure to meet sanitation standards or the local authority has condemned the business location because the business location is unsafe or unfit for human occupancy.
- (14) Habitual conduct has occurred at the licensee's business tax receipt holder's premises that violate city, county, state or federal law. Habitual conduct is understood to mean excessive number of times for the police department, fire department, code enforcement and/or licensing local business tax section to respond to complaints regarding violations of federal, state or county laws or other city ordinances, rules or regulations. If the call-out rate is twice the average call-out rate of two or more comparable businesses within a one-quarter mile area, then the city may consider such activity excessive.
- (15) A licensee business tax receipt holder permits an unlicensed promoter operating without a valid business tax receipt to hold a dance or entertainment event on the business premises on more than one occasion within a 12-month period.



- (16) Licensee The business tax receipt holder engages in unfair methods of competition or unfair or deceptive acts or practices in the conduct of the licensee's business, trade or commerce.
- (b) The licenseebusiness tax receipt in effect is subject to suspension or revocation even though it may have been issued to a licenseeperson or entity other than the person or entity who held the licenseebusiness tax receipt at the time the cause for such suspension or revocation arose.
- (c) The licenseebusiness tax receipt holder shall be placed upon notice that the licenseebusiness tax receipt has been revoked or suspended when notification of revocation or suspension has been sent by registered mail, return receipt requested, to the business address listed on the ~~occupational~~ licenseebusiness tax receipt or pursuant to section 86-55.
- (d) Any person whose licenseebusiness tax receipt has been suspended or revoked may request a hearing, which shall be conducted in the manner pursuant to section 86-57.
- (e) If a licenseebusiness tax receipt is revoked or suspended under this section, the city shall be entitled to recover its investigative costs.

**Sec. 86-55. Notice of violation; informal hearing.**

- (a) If the licensingbusiness tax administrator finds that a licenseebusiness tax receipt holder has engaged in or is engaged in conduct warranting the suspension or revocation of a licenseebusiness tax receipt, the licensingbusiness tax administrator shall notify the licenseebusiness tax receipt holder of the violation in writing at the address listed on the ~~occupational~~ licenseebusiness tax receipt by certified mail or hand-delivery and provide a prior informal administrative hearing before the licensingbusiness tax administrator before requesting a suspension or revocation hearing before the city council. The written notice shall identify the violations. Courtesy notice shall be provided to the property owner if the licenseebusiness tax receipt holder is not the property owner.

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**Sec. 86-56. Emergency action.**

When the conduct of any licenseebusiness tax receipt holder or his agent or employee constitutes an emergency involving serious danger to the public health, safety or welfare, the city shall have the authority to order the cessation of business and closure of the premises or to suspend or revoke the licenseebusiness tax receipt. In the case of emergency action, the city shall immediately notify the licenseebusiness tax receipt holder of the action taken and afford a prompt post-suspension or post-revocation hearing within five days of the emergency action or

at the next regularly scheduled council meeting according to section 86-57, unless waived in writing by the licensee business tax receipt holder.

**Sec. 86-57. Hearing procedures; decisions; orders.**

(a) If a licensing business tax administrator denies a licensee business tax application or does not renew a licensee business tax receipt, issues a cease and desist order, or suspends or takes other action in an emergency, a written notice of the decision will be delivered to the licensee business tax receipt holder at the address listed on the licensee business tax application according to section 86-55. An applicant/licensee business tax receipt holder may request a hearing. All requests must be in writing and filed with the city within ten days of denial, nonrenewal, suspension or emergency action of a licensee business tax receipt. The request must specify the nature of the applicant's/licensee's business tax receipt holder's complaint, a statement of the facts relied upon and accompanied by a fee of \$100.00 to defray the expenses of the hearing. Where emergency action is taken pursuant to section 86-56, a post-suspension or post-revocation hearing will be conducted before the council, whether or not the licensee business tax receipt holder requests a hearing.

(b) After a licensing business tax administrator, upon finding that a licensee business tax receipt holder has engaged or is engaged in conduct warranting the suspension or revocation of a licensee business tax receipt, conducts an informal hearing pursuant to section 86-55, the licensing business tax administrator may proceed with a hearing before the council for an order suspending or revoking a licensee business tax receipt pursuant to section 86-57(c). Notice of the date, time and place of the hearing shall be provided according to section 86-55.

(c) Procedures.

- (1) Upon filing a request for hearing, the licensing business tax administrator shall serve notice to the licensee business tax receipt holder of the time and place for the hearing before the city council, which shall be held at a date not less than five days after filing or at the next regularly scheduled council meeting.
- (2) Counsel may represent the licensee business tax receipt holder; the city attorney may represent the city or other counsel retained at the discretion of the city attorney.
- (3) The proceedings shall be informal but shall afford the licensee business tax receipt holder/applicant the right to testify, present witnesses, cross-examine witnesses, submit relevant evidence and object to evidence.

- (4) Strict rules of evidence, as in courts of law, shall not apply. Evidence is to be admitted at the discretion of the city that is consistent with generally accepted legal principles governing the admission of evidence in administrative proceedings.
- (5) The burden of proof being on the city, the order of presentation of evidence shall be as follows:
  - a. The parties shall be entitled to present oral argument at the opening and at the closing of the hearing.
  - b. The city shall present its evidence in support of the denial, suspension, revocation or other action taken or continued, as the case may be, of the licensee business tax receipt.
  - c. The licensee business tax receipt holder shall then produce such evidence as the licensee business tax receipt holder may wish to offer in opposition to the suspension, revocation or other action taken or continued, as the case may be, of the licensee business tax receipt.
  - d. The city may offer rebuttal testimony.
- (6) The proceedings shall be recorded and minutes kept by the city. Any applicant/licensee business tax receipt holder requiring verbatim minutes for judicial review may arrange for the services of a court reporter at the applicant's/licensee's business tax receipt holder's expense.
- (7) Within ten days of the completion of the hearing, the city shall render its decision in writing stating its reasons and findings of fact in determination of whether or not the action of the licensee business tax administrator should be sustained or whether or not the licensee business tax receipt shall be revoked, suspended, denied, or other action taken or continued, as the case may be.
- (8) The city clerk shall send a true and correct copy of the decision or order within ten days of the date of the decision by registered mail, return receipt requested, to the business address listed on the occupational license business tax receipt or to any such other address as the licensee business tax receipt holder or applicant shall designate in writing. The decision or order may also be served upon any employee of the business by any city police officer, occupational license local business tax inspector or authorized process server at the business address listed on the occupational license business tax receipt. A copy of the decision or order shall be provided to the

property owner if the ~~licensee~~business tax receipt holder or applicant is not the property owner.

(d) Administrative rulings subject to appeal. The city's findings shall constitute the final administrative action of the city, subject to appeal to the circuit court, appellate division.

(e) Enforcement of rulings. If an applicant/~~licensee~~business tax receipt holder fails to seek timely appellate review of an administrative ruling of the city or comply timely with such ruling, the city council may order the closing of the offending business and enforce this order by action of the police department.

**Section 2:    Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3:    Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4:    Inclusion in Code.**

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

**Section 5:    Severability Clause.**


If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 6:     Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

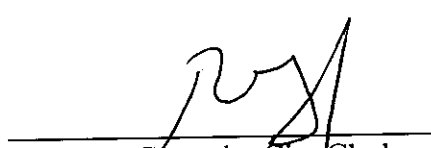
PASSED AND ADOPTED this 13th day of January, 2009.

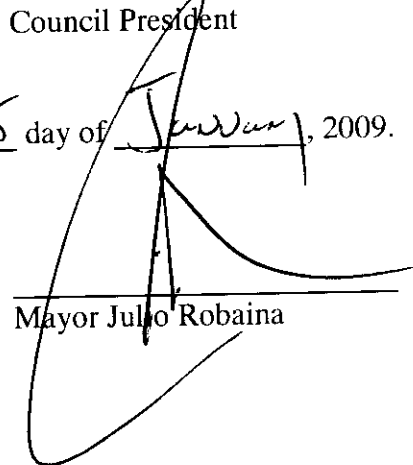
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
\_\_\_\_\_  
Carlos Hernandez  
Council President

Attest:

Approved on this 15 day of January, 2009.

  
\_\_\_\_\_  
Rafael E. Granado, City Clerk

  
\_\_\_\_\_  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".